

1
2 Nicholas Marchi
3 Carney & Marchi, P.S.
4 7502 West Deschutes Place
5 Kennewick, Washington 99336
6 (509)545-1055
7 Attorney for Defendant
8 JOSE TRINIDAD LARA,
9

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
AT RICHLAND, WASHINGTON**

26 UNITED STATES OF AMERICA,)
27 Plaintiff,) No. CR06-6026-RHW
28 v.) DEFENDANT'S SUPPLEMENTAL
29 JOSE TRINIDAD LARA,) SENTENCING MEMORANDUM
30 Defendant.)

31 COMES Now the Defendant JOSE LARA, by and through his attorneys, Carney &
32 Marchi, hereby submits this supplemental sentencing memorandum with attached
33 letters in support of his request for a downward departure from the advisory
34 sentencing guidelines.

35 Dated this 4th day of May 2007.

36
37 Respectfully submitted,
38
39 *s/ Nicholas Marchi*
40 Nicholas W. Marchi
41 Attorney for Defendant

1

2 **CERTIFICATE OF SERVICE**

3

4 I certify that a copy of the Defendant's Sentencing Memorandum was e-mailed via ECF and mailed first
5 class; postage prepaid on 5/4/2007, to Shawn Anderson, Assistant United States Attorney, 402 E. Yakima
6 Ave., Suite 210, Yakima, WA 98901 and to United States Probation, 25 So. Third Street, Suite 326,
7 Yakima, WA 98907.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

/s *Nicholas Marchi*
CARNEY & MARCHI, P.S.
Attorneys for Defendant

My name is Gracie Lara, (Wife of Jose Lara) the reason for my letter is to say that in a previous conversation we had I told you that my kids and I would move with my husband to Mexico, live there only until he is able to come back a united states citizen. I've started talking to some travel agents to get an estimate on prices for the travel not including passports. Which will be \$700 per person. Now I have to manage a way to save for that and try to keep a roof over our heads. Believe me I've even thought about not paying anything here to go but I don't want to leave things here bad so when I come back we don't have to work harder here to get our American Dream back. With out problems of bad credit.

Talking to my parents about living in Mexico I sincerely don't think I will be able to survive there with my kids. Plus my 4 year old has a skin disease, which worsens in hot temperatures .

My father also worries of course he doesn't want us to go. He tells me do you know why we came to the United States? We have no future over there you're either rich or poor to start off over there people will take advantage of you making it harder to better your self and there is no in between. Which means using all the money you have on tickets. I wont have a cent for living.

Being United States Citizens born and raised is there anything you could do to keep my husband here so we don't loose our American Dream?

Plus passport
97⁰⁰

J. Gracie

To whom it concern,

My husband Rafael Zavala and I Amelia Garcia are writing to you on behalf of our friend Jose Lara. We have known him for more then 25 years. We would like to let you know that he always had been a good person, he always show respect for others. He is the kind of people that is always trying to be a better person.

Jose is a hard worker; he always had worked in the fields and other kind of hard jobs to provide food and other things that are needed to keep his family out of lacks. As long as we know him we never known that he is in trouble with no one.

We would like to ask you to please consider his case; his family would suffer a hardship, and it would be very hard for his step kids and for his own if he is not around them. These kids need him not only for his income but for love and guidance. So please concider his case,these kids would thankyou for doing it. Thanyou for taking your time to read this letter.

Sincerely,

Amelia Garcia RAFAEL ZAVALA
Amelia Garcia & Rafael Zavala

Z

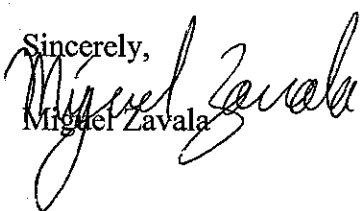
To Whom It May Concern,

Hi my name is Miguel Zavala. I'm writing to you on behalf of my friend Jose Lara, regarding his actual situation. I have known Jose for about 15 years and he always had been a good person, he is kind to everyone, he is always trying to be a better person.

Jose had been a hard worker sience I know him; he works in all kind of hard jobs to keep his family with out of lacks. As a member of the community member Jose had been a good a good example he shows respect for all kinds of people, he never looks for trouble. He also likes to help people in need, when he can or get the chanse to do it.

I would highly recommend that you please consider his case. His family would suffer a hard ship because he helps helps the mother of his girls and step kids provide food. These kids not only need only need food, they also need love from a father, discipline and guidance. I hope that you please concider his case, because this case can change the future of these kids. Thank you for taking your time to read this letter.

Sincerely,


Miguel Zavala

3

4/25/07

To whom it may concern.

I MARIA CARDENAS Have known Jose Trinidad LARK for About 10 years. He's been always a hard working person. That Takes Care of his wife and kids. Now that he's been gone his wife and Children Need him very much. For the years of knowing Jose he's been a good person always making sure his family had everything they needed. That's why he loved to work so that why his Children had what they needed like stuff for school and making sure bills are paid. Food on the Table and most important a home. I hope you take in to consideration that his family really needs him at this Time.

Thank you

Maria Cardenas

If Any Question please call
me at ⁵⁴⁹ 302-1094

Up

4-26-07

To whom it may concern:

I have been friends with Gracie & Jose for some time now. I think its a shame what is happening to this family in the time that I've known this family. I've seen nothing but loving parents & great values. Jose did what most Americans don't do anymore, he met Gracie and took on the responsibility to take care of her three children and then had three of his own with her. Gracie & Jose worked very hard for what they have and now you are going to take it all away. America talks so much about helping people in need if they are willing to help themselves but now you take a man that's been here half his life and has worked very hard everyday paying taxes just like every American and you throw him in jail because he doesn't have a passport please just give him a chance to prove that he can be what you want him to be & to also prove that he is as much an us citizen as you or I. thank you for taking the time to read this as I'm sure you are very busy.

thanks

again

PS. if you have any
Questions feel free
to call me!

April Snyders

509-586-2727

5

To Whom it may concern:

The reason for my letter is to tell you I'm a co-worker with Gracie Lara. The time I've known her she has been trying her hardest to find a way she could fight for her husband (Jose Lara) to stay here in the United States.

He (Jose Lara) may not be a United States Citizen he had been working on it prior to his arrest. Jose is a good man one who has been working job some U.S citizens will not do to give his wife and kids the American Dream everyone dreams about.

Knowing them in this time I could tell you that he is one that cares for his family always asking if their okay worries for their safety and worries if they have enough for food, bills and their necessities. Gracie constantly tells him not to worry so he won't feel bad. but really she needs him his kids need him.

So please if this letter helps to keep him here he won't take his freedom here for granted and will work hard to become a United States Citizen.

Thank You,

Tricia A. Weeder



St. Patrick's Catholic Church
Offertory Enhancement Campaign
1320 W. Henry, Pasco, Washington 99301 (509) 547-8841

Thursday, April 19, 2007

To Whom It May Concern:

This letter is on behalf Jose Trinidad Lara.

Mr. Jose Trinidad Lara has been a member of St. Patrick's Parish since October of 1999 when he came to this area, met and married Graciela Lara, a USA citizen born in Pasco, July 18th, 1976.

Mr. Jose Trinidad is a person of good moral character, hard working individual, diligent and always ready to help others in need.

He is a very good father of six children who missed him dearly. I recommend Mr. Jose Trinidad without reservation. If you need any further information, please feel free to call me.

Sincerely,

Msgr Pedro Ramirez, Pastor
St. Patrick Catholic Church
Pasco, WA 99301

To whom this may concern I am Jose's
oldest step daughter melissa Marie Hinjosa
I am sixteen years old. And with this letter
I am hoping you guys will free Jose because
with out him I have already felt like this
is the worst part of my life, my teenage life.
Its hard out here with out him because
I see that it's really really hard on my mom
because shes always stressed out with bills,
payments, and especially my younger sisters and
brother. When Jose was out here the kids were
always behaving but the two that are older
then my three little sisters and younger then
me are the worst because my sister who is
thirteen is always running off with everybody
and my brother has no respect for anybody and
yes my mom does discipline them but they never
change and most of the time I choose not
to put them in their place because it will make
my mom stress out even more. When I had a
job even though I thought it was nothing, to
my mom she said it was ~~was~~ real big help but it
wasnt enough to help her with the really important
but the gas. To me you guys have put a
man the only man that I have been able
to see as a dad away and it really hurts

to whom this may concern
My name is Miguel Angel Hinostroza
I am eleven years old. And I
have seen Jose Lasa as my father
from the day he lived with us
because I then knew I had
someone to be my rolemodel
because I have always been
surrounded with girls. I think
that without Jose I've been
giving my mom a hard time.
because sometimes I get out of hand
when Jose was here he showed
me right from wrong.

Sincerely

Miguel Hinostroza

9

To whom this may concern
My name is martha lara and
Im the daughter of JOSE lara. Im
writing to you today because
my father is in the Franklin County
Jail, and he doesn't deserve to be
in there. My dad Jose lara is a
really hard worker, he doesn't spend his time
at home being lazy or out cruising
the streets. He works, he wakes up
at 6:00 am and works until 8:00 pm or
later if it's still light out. Then he gets
home tired but still makes time
to play with his children. His been in
Jail for about 7 months and has
missed his daughters first words,
birthdays, Christmas, and his son's
first communion. I also really want
him out here for my 15-hera and
he wont be able to if hes locked
up or in Mexico. So please just
let him out and let him stay
here with us in washington
because his missed so much
since his been in there. Come on
now he barely knows his daughter
He left her when she was about 1
and she's grown up without him.
So please put yourself in his
situation and find a little at least
a little space in you're heart
and think really hard about it.

3/31/07

To Who it may concern

I Nancy Strohm have known Gracie and Jose Iara for over 10 years he has always been a good person father and friend. And also a really hard worker. I believe hes a great person.

Nancy Strohm

(509) 987-0009.

21

Al Adam Charron

4-107

have known Gracie and Jose Latora
they have always been reellly

nice people Jose is a reellly
hard worker and a reellly
nice guy who provided for
the family.

Adam Charron

12

Dear Jurymen.

I am writing to you on behalf of my friend, Jose Lara, regarding his actual Situation. Because I have been notify that he is in prison and still waiting you take the best decition, and set him free.

I wonder is not easy for you, to grapple what his future will be, but I ask you to consider his actual behavior. I knew Jose six years ago and I did not see him involved in trouble or disregarding his domestic obligation. He was working to keep his family without lacks.

We hope that you are realy considering his case and trust that he is always trying to be a better person.

Sincerely;

Raul Figueroa Urreta

Hello:

I send this latter to you, hopping that you consider my declaration of the case of my friend, Jose Lara.

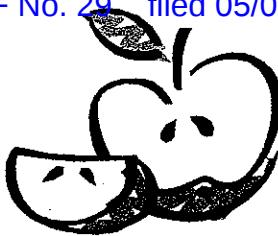
I have been close to him and his family in the lattest years, sometimes as neighbors working in the same place or just spending good times in his family's celebrations. I naver saw anything wrong in his conduct, he is good friend, good workmate, and I think he is a common member of Society.

We beg you to do the best for us, and think about his family, because they realy need him in home.

Thank You.

Jorge Valtierra 4/1/07

14



**FLAT TOP RANCH
2521 FISHHOOK PARK ROAD
PRESCOTT, WA 99348
(509) 547-3243
FAX (509) 547-9682**

March 23, 2007

To Whom It May Concern:

This letter is to verify that Jose T. Lara has worked for Flat Top Ranch in the past. His dates of employment were through the months of October and November in 1999, 2001, 2002, and 2003. Throughout those years he would be hired for the apple harvest and be laid-off in November, and then return the following year. Since November 2003, he has not worked for Flat Top Ranch.

If you should have any questions, feel free to contact our office at (509) 547-3243.

Sincerely,

Jessica Reyes

15